

lently represented that it would be effective as a tonic and system purifier and to insure a good, clean, healthy system; and that it would be useful in stomach complaints and liver and kidney ailments.

On September 30, 1936, after trial, the jury returned a verdict of guilty and the court imposed a fine of \$300 and a sentence of 6 months' imprisonment, but suspended the sentence of imprisonment pending 5 years' probation.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**26959. Misbranding of Curarina De Juan Salas Nieto. U. S. v. Richard Diener (Curarina Agency). Plea of guilty. Fine, \$480. (F. & D. no. 85989. Sample nos. 19601-B, 19801-B, 20465-B, 24014-B, 25270-B, 25543-B, 25916-B, 25918-B.)**

The bottle and carton labels of this product and a booklet and a circular enclosed in the cartons, bore and contained false and fraudulent representations regarding its curative and therapeutic effects. It contained alcohol, and the package label failed to bear a statement of the quantity or proportion of alcohol contained in it.

On March 28, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Richard Diener, trading as Curarina Agency, Oxnard, Calif., charging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about November 8, 9, and 10 and December 3 and 5, 1934, from the State of California into the States of Illinois, Pennsylvania, Idaho, Massachusetts, and Ohio of quantities of an article, labeled "Curarina De Juan Salas Nieto", which was misbranded.

Analyses of the article showed that it was essentially a water-alcohol solution of drug extractives, containing alcohol (about 33 and 34 percent by volume), solids (1.4 gram per 100 cubic centimeters), ash (0.2 and 0.26 gram per 100 cubic centimeters), and traces of resin, saponin-like glucosides, and alkaloids.

The article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, on the bottle and carton labels and in an accompanying booklet and circular, falsely and fraudulently represented that it would be effective as a specific in treating poisons, fevers, and many other ailments; effective as a treatment, remedy, and cure for all diseases of the blood, heart trouble, sciatica, sinus trouble, rheumatism, blood poisoning, poison snake and insect bites, mumps, malaria fever, sores, disorders of the body, rheumatism in its many forms, diabetes, 80 percent of all other ailments, spider sting, angina pectoris and hopeless cases thereof, high blood pressure, hardening of the arteries, pneumonia, typhoid fever, smallpox, sore throat, tonsillitis, influenza, grippe, lung and other bodily disorders, tetanus, animal poisons, bites of spiders, snakes and mad dogs and stings or scorpions, centipedes, stingarees, wasps, and giant white ants, malaria, yellow fever, black vomit, cholera and diarrhea accompanied by vomiting and cramps, miasmatic fevers, cholera, hemorrhages, wounds and bleeding, nasal hemorrhages, female hemorrhages, affections of the stomach, lenter, appendicitis, general debility, stomach and intestinal disorders, distemper in dogs and other animals, swollen throat, ptomaine poisoning, heart disease, kidney trouble, swollen ankles and severe sick headaches, arthritis, stomach trouble, and run-down condition; effective to build up the whole system, to build up the glands, to prevent apoplexy strokes, to prevent blood poisoning, and to kill germs in the blood stream; effective as the best health insurance and as a tonic; and effective to prevent illness by restoring activity to the glands, and to render the worst animal or insect sting absolutely harmless to the body.

The article was alleged to be misbranded further in that it contained alcohol and the label on the package failed to bear a plain and conspicuous statement of the quantity or proportion of alcohol contained therein.

On December 12, 1936, the defendant entered a plea of guilty and on December 28, 1936, the court imposed a fine of \$480.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**26960. Misbranding of Dexene. U. S. v. 22 Bottles of Dexene. Default decree of condemnation and destruction. (F. & D. no. 86791. Sample no. 49185-B.)**

The label of this preparation bore false and fraudulent representations regarding its curative and therapeutic effect.

On December 18, 1935, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 bottles of Dexene at Jetmore,

Kans., alleging that it had been shipped in interstate commerce on or about September 6, 1935, by the Sanovapor Laboratories from Huntington, W. Va., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of sulphur dioxide ( $\frac{1}{4}$  percent) and water (99 $\frac{3}{4}$  percent).

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effect, borne on the label, falsely and fraudulently represented that it would be effective when used as directed in conjunction with the diet recommended, as a treatment for diabetes: "Dexene Reg. U. S. Pat. Off. A therapeutic \* \* \* agent \* \* \* Diet 5% Vegetables:—String Beans, Spinach, Kale, Lettuce, Cucumbers, Onions, Tomatoes, Asparagus, Cresses, Mushrooms, Celery, Radishes, Olives, Pickles, Cabbage, Cauliflower, Endive, Sauerkraut, Beet Greens, Dandelion Greens, Okra. Soups, Broths, Beef, Mutton, Veal, Ham, Bacon, Eggs, Fish and Shell-Fish, Cream Cheese. Directions—Sanovapor Dexene Take 4 tablespoons (2 oz.) \* \* \* Dexene 40 minutes before each meal and at bed time. Gradually increase the dose until 6 tablespoons (3 oz.) are taken at each dose. If large Dose of \* \* \* Dexene Agree with Patient. Its Effects are More Rapid. Abstain from all sweets and starches. Abstain from All Fruits—raw or cooked, Sweet Milk, Buttermilk, Cereals, Peas, Beets, Turnips, Carrots, Parsnips, Rhubarb, Irish Potatoes, Sweet Potatoes, Macaroni, Spaghetti or Noodles. Prepared by the Sanovapor Laboratories, Inc."

On April 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**26961. Adulteration and misbranding of Papine. U. S. v. 35 Bottles of Papine. Default decree of condemnation and destruction. (F. & D. no. 36872. Sample no. 32447-B.)**

This product contained morphine and chloral hydrate in proportions less than those stated on the label.

On December 26, 1935, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 bottles of Papine at Memphis, Tenn., alleging that it had been shipped in interstate commerce on or about November 15, 1935, by Battle & Co., from St. Louis, Mo., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Morphine 1 Gr. Per Oz. Chloral Hydrate  $2\frac{1}{10}$  Gr. Per Oz."

It was alleged to be misbranded in that the statement on the label, "Morphine 1 Gr. per Oz., Chloral Hydrate  $2\frac{1}{10}$  Gr. Per Oz.", was false and misleading.

On June 3, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**26962. Misbranding of Alcolthol-Rub. U. S. v. 113 Bottles of Alcolthol-Rub. Default decree of condemnation and destruction. (F. & D. no. 36923. Sample. no. 50470-B.)**

This product was represented on the label to consist essentially of alcohol and to be endorsed by the medical profession; when it consisted largely of water and a small proportion (2.1 percent) of isopropyl alcohol, it had not been endorsed by the medical profession, and the label failed to bear a statement of the quantity or proportion of isopropyl alcohol that it contained.

On January 9, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 113 bottles of Alcolthol-Rub at Newark, N. J., alleging that it had been shipped in interstate commerce on or about October 19, 1935, by Fallis, Inc., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement, "Alcolthol-Rub \* \* \* Endorsed by the Medical Profession", borne on the bottle labels, represented that it consisted essentially of alcohol, and that the medical profession as a whole had endorsed it; when in fact the article consisted largely of water with but a small proportion of isopropyl alcohol, and the